MONTANA LEGISLATIVE HISTORY

Chapter 488 19 73

Bill H 458 S _____ Original bill & history ____C

H. Committee on Labor & Employment Relations			S. Committee on Public Health Welfare & Safety		
Hearing Date(s)	Feb 09	✓ C	Hearing Date(s)	Mar 05	✓ C
	Feb 10	✓ C		_____	____C
	_____	____C		_____	____C
	_____	____C		_____	____C
Date Out	Feb 10	✓ C		Mar 05	✓ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

February 9, 1973

LABOR AND EMPLOYMENT RELATIONS COMMITTEE PROCEEDINGS:

A meeting of the Labor and Employment Relations Committee was held on Friday, February 9, 1973 at 10:30 a.m. in Room 428 A with Chairman McKittrick presiding. All members were present, Representatives Turman, Ellerd, Bennetts, Bell, Lombardi and Colberg.

Rep. Tierney moved, seconded by Rep. Lee, that H.B. 326 be put in subcommittee. Unanimous consent of the committee. Subcommittee Chairman -- Bob Lee; members -- Rep. Kimble and Rep. Tierney.

H.B. 458 -- SPONSOR: Rep. Norman -- This bill would broaden and change the concept of cardiovascular or pulmonary injuries in relation to compensation. Fireman are prone to this type of injury. James Carden, Workmens Compensation Division -- this is an area of concern and there are many disputes over it. Dr. William D. Wise, M.D. -- statement attached. Dennis Sorrels, Mt. State Firemans' Association -- statement attached; pamphlet passed out. No opponents. Questions followed. Wally Stephens also from the Mt. State Firemans' Association, answered some questions.

H.B. 445 -- SPONSOR: Rep. Gary Kimble -- explained that in many cases an employee will be discharged unjustly because he has instituted a complaint -- under the law if he is so dismissed and if the court findings prove this, he will be able to get the money back for the time he lost. Tony Softich, Labor Standards Division -- many employees will not file complaints because of fear of losing their job. OPPONENTS: P. L. MacDonald, there are no definitions in the bill of "just cause", "discrimination in any manner", or "unlawful act". What do they mean? Bill Kirkpatrick, Mt. Wood Products Association, there has been a problem and attempts are being made to attack it with this legislation, but this bill would create worse problems. If a union had a collective bargaining agreement with an employer and if it included a no strike clause and the employee picketed or something similar, that employee under the agreement could be discharged. This bill would preclude that. It would be in violation of the contracting law and the federal law. Bob Helding, St. Regis Paper Co., -- felt the bill wasn't necessary. Chad Smith, Mt. School Boards Association, and Mt. Hospital Association, -- this bill is invading the right to contract. It is the right of all employees to quit their job if they want to. No other state to his knowledge has such a law. Terry Bass, Mt. Contractors Association, -- arose in opposition. Questions followed.

H.B. 153 -- SPONSOR: Rep. McKittrick -- introduced a proponent, Dick Manning, Mt. State Firemans' Association -- Since they are classified as professionals, fireman should get at least close to what the labor and crafts fields receive. It is somewhat degrading to be regarded as professionals in every sense except pay-wise. Information attached. Questions followed.

H.B. 505 -- SPONSOR: Rep. Lombardi was excused for the meeting, and in his place a proponent, Tony Softich, explained the bill. Statement attached. OPPONENTS: P.L. MacDonald, Anaconda Co., -- the bill would interfere with collective bargaining, which is a very awesome power to be under only one department of the state. Bill Kirkpatrick, the bill is attempting to have the Dept. of Labor have the power of

BEST COPY
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NAME Wm D. Wise M.D. BILL NO. HB 658

ADDRESS 2222 - 11th Ave DATE

Helena Mont.

WHOM DO YOU REPRESENT? Mont State Firemen Assn.

SUPPORT? ✓ OPPOSE? AMEND?

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

That the extra stress physically & emotionally on firemen causes higher heart attack rate of 25% & firemen ~~from~~ die because of coronary heart disease. Only 5% of the male population of ~~the~~ same age group have death due to coronary heart disease.

Therefore I feel that this 20% higher death rate is due to ~~the~~ the type of work & ~~the~~ ~~they~~ ~~are~~ under which they function. Therefore they should be covered by I.P.D for this problem

This morning I would like to appear in front of your committee in favor of HB 458. In addition to the expert testimony of Mr. Cardin and Dr. Wise, I would like to testify as a paid professional fire fighter.

As stated in the pamphlet which I handed out, you can see that 10% of the specified injuries to fire fighters in 1971 was due to inhalation of toxic gasses.

In the years past "toxic gasses" was a rather well defined term, but today, because of new products and manufacturing processes, the list of "toxic gasses" keeps growing and growing. The gasses given off from products such as Teflon, Ammonium Nitrate (fertilizer), Benzene (cleaning fluid), Cresol, Sulfur, and many more materials too numerous to list, have a high toxic affect to the body and the respiratory system in particular. Whereas the respiratory problems of the fire fighters can be defined as to it's physical affects on the body, heart damage can be caused by many things. Other than actual heart attacks, the fire fighter is constantly under stresses of job performance and duties.

The constant tension endured by the fire fighter during his work day, and off duty time, places great stress on his heart.

In our line of work we have to maintain a physical and mental alertness unique to the fire service, never knowing what type situation or conditions we will be subjected to. That is the "romance" of a fire fighter.

Ladies and gentlemen of the committee, in asking for your support on this Bill, I would like to close with this statement. THIS JOB IN WHICH DEATH, SUFFERING AND ANGUISH ARE PART OF HIS DAILY EXPERIENCE PLACE A HEAVY STRAIN UPON HIM.

February 10, 1973

LABOR AND EMPLOYMENT RELATIONS COMMITTEE PROCEEDINGS:

A meeting of the Labor and Employment Relations Committee was held on Saturday, February 10, 1973 at 10:30 a.m. in Room 428A with Chairman Pat McKittrick presiding. All members were present except Reps. Colberg, Lombardi and Bennetts.

No hearings took place. The following action on bills was taken:

HB # 153 -- Rep. Turman moved that it be amended to set the minimum at $600 for both first and second class cities and clean up the language on page 1. Unanimous consent of the committee. The motion was then made by Rep. Lee and seconded by Rep. Tierney that AS AMENDED it DO PASS. Motion carried unanimously.

HB # 176 -- Rep. Flynn moved to amend it. As a substitute motion Rep. East moved to further amend it. Seconded by Rep. Ellerd. (the substitute motion -- amend it so that it will not apply to employers of less than 25 employees.) Discussion followed. Rep. Turman made another substitute motion that the number be set at 10. Rep. Kimble made another substitute motion that the number be set at 5. Rep. Hodges seconded the motion. Those in favor of Kimble's motion -- Reps. Kimble, Hodges, and Baeth. Those opposed: Reps. Bennetts, Lee, Turman, Turner, East, Ellerd, Bell, Flynn, and McKittrick; motion failed. Rep. Turman's substitute motion was then considered. Those in favor: Reps. Lee, Turman, Turner, East, Tierney, Ellerd, and Bell. Opposed: Reps. Kimble, Bennetts, Flynn, Baeth, Hodges and McKittrick. Motion carried. Rep. Turner then moved that HB 176 DO PASS AS AMENDED. Motion seconded by Rep. Tierney. Motion carried with Reps. Bennetts, Ellerd and Flynn opposed.

HB # 294 -- Rep. Baeth moved, Turner seconded that McKittrick's amendments (copy enclosed) be adopted. Unanimous consent of the Committee. Rep. Lee then moved that AS AMENDED DO PASS. Motion carried unanimously.

HB # 458 -- Rep. Flynn moved, Lee seconded, that it DO PASS. Discussion followed. Motion carried, with McKittrick abstaining.

HB # 505 -- A subcommittee was appointed to consider the bill further. Subcommittee chairman -- Rep. Kimble. Members -- Reps. Hodges and Turner.

HB # 445 -- Rep. Tierney moved, seconded by East, that the bill be referred to the subcommittee on HB 505. Motion carried. Rep. Hodges was relieved from the subcommittee and Rep. Bennetts took his place.

Meeting was adjourned.

Pat M. McKittrick
Chairman Pat McKittrick

Debbie Yakovac
Secretary

SENATE COMMITTEE OF PUBLIC HEALTH, WELFARE, SAFETY

Minutes March 5, 1973

Chairman Flynn called the Public Health, Welfare and Safety Committee meeting to order on Monday, March 5, 1973, at 10:00 a.m., in Room 415 of the Capitol Building. Roll call was taken, a quorum was present.

Chairman Flynn asked for consideration of HB94 and Repr. R. Harper presented his bill, citing the need for controls where glass is used in hazardous locations, such as storm doors, showers and in public buildings. He introduced Charles Riley, Resident Inspector for the U.S. Food & Drug Admin., who spoke for the bill. Vern Sloulin of the Dept. of Health was another proponent of the bill.

Chairman Flynn called for opponents of the bill to testify and Senator Boylan of Dist. 11 spoke in regard to the bill saying that he did not oppose the intent of the bill, but he cited the costs that would be involved in various public places. He referred in particular to a letter from the Physical Plant director at the University in Bozeman, who said that such legislation would entail a big expense to the University and that crash bars had been installed on doors where there was a danger of such accidents.

Committee members asked questions of those testifying and in following discussion it was found out that the cost would be very high if replaced with the recommended glass.

The chairman next asked for consideration of HB207 and Rep. Harper first spoke, with Mr. Riley again testifying as a proponent. Mr. Sloulin of the Dept. of Health also testified and following his testimony, was questioned at length by the committee. They asked if such regulation of hazardous substances was not already taken care of in Building Codes.

Sen. Story asked to be excused at this point and indicated a "Nay" vote to the two bills previously heard, HB207 and HB94.

Chairman Flynn next asked for consideration of HB128 and Rep. Yardley, chief sponsor of the bill, said the bill had been written at the request of the Montana Pharmaceutical Association and had their full support.

Also speaking in support of the bill was Rod Gudgel, Exec. Dir. of Mont. Pharm. Assoc., and Wm. J. Fitzgerald, Association President.

There were no opponents present to testify against the bill and questions were asked by committee members.

Repr. Asbjornson was present to introduce the next bill, HB169, and introduced another proponent, Mr. Gudgel who then represented the Mont. Nursing Home admin. Several amendments were mentioned for the bill in order that it not conflict with a Senate bill that is being heard at this time, and also so the Montana legislation will comply with a Federal ruling. It was mentioned that a case was being heard in Florida, the results of which would have a bearing on the legislation in the two bills mentioned, HB169 and SB345.

Senator Breeden asked to be excused from the meeting to attend another.

Chairman Flynn next introduced Dr. William Wise, Doctor of Internal Medi-

cine of Helena, who was speaking for Repr. Norman, who was unable to be present to introduce his bill, HB458.

Chairman Flynn next asked for other proponents and they included Al Sampson of the Mont. Firemen's Assoc. There were no opponents to speak against the bill and questions were then raised by committee.

Sen. McKeon suggested an amendment that would not limit the compensation to firemen only, as it was brought out that other public employees might suffer similar seizures when in the course of duty. Members agreed on the amendment, and Sen. McKeon made the motion to ADOPT THE AMENDMENTS TO HB458. His motion was seconded by Sen. Zody and was carried. It was noted that Sen. Lowe voted "Nay".

Sen. McKeon moved that HB458 BE CONCURRED IN AS AMENDED. His motion was seconded by Sen. Hall and voting was unanimous.

Members then held another discussion of HB94 and it was felt that the controls mentioned in the testimony were already covered. Sen. Lowe moved that HB94 BE NOT CONCURRED IN. Sen. Cochrane seconded the motion and motion was carried. Sen. McKeon cast a "Nay" vote.

Sen. Bollinger moved that HB128 BE CONCURRED IN, motion being seconded by Sen. Zody and motion was carried.

Sen. Cochrane moved that HB207 BE NOT CONCURRED IN and his motion was seconded by Sen. Lowe. Motion carried, however it was noted that Sen. McKeon cast a "Nay" vote.

It was noted that HB200 had been heard on the floor and was being held over until the next legislative session in the hopes the two factions could resolve their own differences in an amended bill.

Sen. Bollinger moved the meeting adjourn and it was seconded by Sen. Lowe; motion carried.

Elmer Flynn Chairman

operative agreements with any of the state agencies or political subdivisions for the purpose of carrying out the provisions of this act, or any part thereof."

Section 6. Section 34-308, R.C.M. 1947, is repealed.

Approved: March 27, 1973.

CHAPTER NO. 486

An Act to Amend Section 16-807, R.C.M. 1947, to Clarify the Limit of Indebtedness a County Can Incur as Being Five Per Cent (5%) of the Assessed Value of the Taxable Property in the County; and to Provide that any Single Purpose Indebtedness Exceeding Forty Thousand Dollars ($40,000) Be Submitted to the Voters.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 16-807, R.C.M. 1947, is amended to read as follows:

"16-807. **Limit of indebtedness.** No county must become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding five per centum of the *assessed* value of the taxable property therein, to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness, and all bonds or obligations in excess of such amount given by or on behalf of such county are void. No county must incur any indebtedness or liability for any single purpose to an amount exceeding *forty* thousand dollars *($40,000)* without the approval of a majority of the electors thereof voting at an election to be provided by law."

Approved: March 27, 1973.

CHAPTER NO. 487

An Act Permitting Submission of Fingerprints in Connection with Retail Liquor and Beer Licenses.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All applicants for a Montana retail liquor or beer license, including corporate officers, may be required by the department of revenue, when applying for said license to have their fingerprints taken for use in determining the eligibility of the applicant for such license.

Section 2. This provision shall also apply to all who file a security interest against such license except as to banks, savings and loan institutions, and licensed lending agencies.

Approved: March 27, 1973.

CHAPTER NO. 488

An Act Relating to the Workmen's Compensation Act; Amending Section 92-418, R.C.M. 1947, Relating to the Definition of "Injury" or "Injured" to Provide for Broadened Coverage for Firemen; and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 92-418, R.C.M. 1947, is amended to read as follows:

"92-418. **Injury or injured defined.** "Injury" or "injured" means:

(1) a tangible happening of a traumatic nature from an unexpected cause, or unusual strain, resulting in either external or internal physical harm, and such physical condition as a result therefrom and excluding disease not traceable to injury, *except as provided in subsection 2 of this section.*

(2) cardiovascular or pulmonary or respiratory diseases contracted by a paid fireman employed by a municipality, village or fire district as a regular member of a lawfully established fire department, which diseases are caused by over-exertion in times of stress or danger in the course of his employment by proximate exposure or by cumulative exposure over a period of four (4) years or more to heat, smoke, chemical fumes, or other toxic gases."

Section 2. Nothing herein shall be construed to exclude any other working person who suffers a cardiovascular, pulmonary or respiratory disease while in the course and scope of his employment.

Section 3. This act is effective on its passage and approval.

Approved: March 27, 1973.

CHAPTER NO. 489

An Act to Amend Section 84-301, R.C.M. 1947, Relating to Taxation and Classification of Rights of Entry.